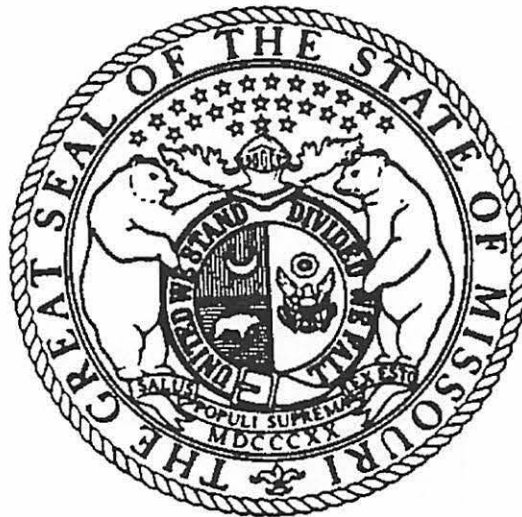


REPORT
OF
THE JOINT COMMITTEE
ON CHILD ABUSE AND NEGLECT



December 4, 2013



MISSOURI GENERAL ASSEMBLY
JEFFERSON CITY

December 4, 2013

The Honorable Tom Dempsey, President Pro Tempore
The Honorable Timothy Jones, Speaker
State Capitol Building
Jefferson City, Missouri 65101

Dear Mr. President Dempsey and Speaker Jones:

The Joint Committee on Child Abuse and Neglect, acting pursuant to Section 21.771, RSMo, has the annual duty to compile a full report of its activities for submission to the General Assembly. The committee has met on the issue of Child Abuse and Neglect in Missouri. The committee now presents to the General Assembly a report of the subcommittee's activities and actions to date.



Senator Kurt Schaefer, Chair



Representative Bill Lant, Vice-Chair

Joint Committee on Child Abuse and Neglect

Senator Schaefer, bill sponsor, called the meeting to order at 1:50 pm, December 4, 2013. This meeting was to review the activities of the subcommittees and approve the yearly report.

Roll call taken.

Committee Members present:

Senator Schaefer
Senator Keaveny

Senator Dixon

Senator Curls

Representative Lant
Representative Ellinger

Representative May

Representative Kirkton

Committee Members Absent:

Senator Nieves

Senator Schaaf

Senator Justus

Representative Barnes

Representative Franklin

Representative Haefner

Senator Schaefer asked if there were any changes/amendments to the draft report distributed earlier this week.

Representative Ellinger (District 86) requested the report be amended to include "At least one listening post report included complaints about parents being placed for life for minor offenses on the Child Abuse and Neglect Registry with no chance of removal."

Senator Schaefer asked if there was motion to adopt the amendment. Senator Keaveny made a motion to adopt the language on the report. Senator Curls 2nd the motion. All present voted to adopt. The amendment is noted in the minutes.

A motion was made to adopt the report. All present voted yes.

Senator Schaefer indicated the report would be finalized and copies given to the Secretary of the Senate and to the committee members.

No other business to be heard, the hearing was adjourned.

SUBCOMMITTEE ON CHILD ABUSE REPORTING AND INVESTIGATING 2013 Report

Subcommittee Members:

Representative Bill Lant, chair
Senator Bob Dixon
Senator Shalon “Kiki” Curls
Representative Karla May
Representative Rory Ellinger

Subcommittee Meetings:

The Subcommittee held six meetings since the first of the year:

February 19, 2013
April 8, 2013
May 6, 2013
June 6, 2013
July 17, 2013
September 10, 2013

Listening Posts:

Subcommittee members held Listening Post/Town Hall type meeting in their districts. Committee members were also invited to hold meetings. The intention of these meetings was to hear from constituents about experiences concerning child abuse reporting and investigating. The members who held meetings are:

Representative Lant	October 8, 2013	Pineville
Representative Kirkton	October 17, 2013	St. Louis
Representative Ellinger	October 24, 2013	University City
Representative Lant	November 7, 2013	Seneca
Representative Lant	November 12, 2013	Anderson

Meeting Content:

February 19, 2013

Children's Division Overview

Witnesses: Mark A. Gutchen, Assistant General Counsel, Department of Social Services
Melody Yancey, Designated Principal Assistant, Children's Division

The department provided a handout to the members present, and they also provided copies to be distributed by Rep. Lant's office to all the members of the Joint Committee on Child Abuse and Neglect. The packet of information included a flow chart that is followed when a Hotline call is received; the Standards of Evidence; and a 45 page document entitled “Child Abuse and Neglect in Missouri: An Overview of the Role of DSS and CD.”

April 8, 2013

Children's Division Question & Answer

Witnesses: Mark A. Gutchen, Assistant General Counsel, Department of Social Services
Melody Yancey, Designated Principal Assistant, Children's Division

Subcommittee members prepared questions relating to the 45 page handout provided at the February 19, 2013 meeting entitled, "Child Abuse and Neglect in Missouri: Overview of the Role of DSS and CD."

Discussion included the state's authority to protect; defined what is reasonable, and who dictates what is reasonable; warrants and searches; harassment calls to the hotline; protecting children and the decision making when a hotline call is made.

May 6, 2013

Juvenile Officers, Juvenile Court Judge

Witnesses: Marcia Hazelhorst, Missouri Juvenile Justice Association
Cindy Garrett, Juvenile Officer, 13th Judicial Circuit
Teri Armistead, Legal Counsel, 13th Judicial Circuit
Shante Lampley, Chief Deputy Juvenile Officer Child Protection, 22nd Judicial Circuit
Susan Guerra, Chief Legal Counsel, 22nd Judicial Circuit
Honorable Jon Beetem, Circuit Judge, 19th Judicial Circuit

Marcia Hazelhorst, Missouri Juvenile Justice Association coordinated the witnesses presenting an explanation of the role of the Juvenile Officer in child protection cases. Information presented: PowerPoint presentation entitled, "PROTECTIVE CUSTODY, Juvenile Officer's Role."

June 6, 2013

Juvenile Officers, Juvenile Court Judge

Witnesses: Marcia Hazelhorst, Missouri Juvenile Justice Association
Teri Armistead, Legal Counsel, 13th Judicial Circuit
Susan Guerra, Chief Legal Counsel, 22nd Judicial Circuit
Tammy Walden, Chief Juvenile Officer, 26th Judicial Circuit
Honorable Jon Beetem, Circuit Judge, 19th Judicial Circuit

Also testifying for informational purposes:

Melody Yancey, Designated Principal Assistant, Children's Division
Mark Gutchen, Assistant General Counsel, Department of Social Services

Discussed definition of what is excessive or reasonable and difficulty in a standardized definition; subjectivity in definition of neglect or excessive discipline and how that is ultimately decided by a judge; removal; turnover in caseworkers; do caseworkers receive enough training before they are put in the field, if they were better prepared, would there be less turnover; ongoing training for caseworkers and supervisors and the availability of training in rural areas verses urban areas, and should the supervisor decide what training topic caseworkers working under them should receive; with technology should webcams be utilized in training; who is training the trainers; the experience with same circumstances for an offense in rural area verses an urban area; reunification and what parents working toward reunification can experience; juvenile officers and their role and qualifications.

July 17, 2013

Child Advocacy Centers

Witnesses: Barbara Brown-Johnson, Executive Director, Child Advocacy Center, Inc.,
Springfield, MO

Also testifying for informational purposes:

Melody Yancey, Designated Principal Assistant, Children's Division

Barbara Brown-Johnson provided a PowerPoint presentation entitled, "Child Advocacy Centers in Missouri." Ms. Brown-Johnson discussed what a child advocacy center is, the multidisciplinary team approach, and who is the multidisciplinary team, the forensic interviewer, and safe exams.

September 10, 2013

Prosecutors and Law Enforcement

Witnesses: Jason Lamb, Missouri Office of Prosecution Services
Captain John Wheeler, Chief Deputy, Cole County Sheriff's Office

Jason Lamb gave a perspective of the prosecutors relating to child abuse. Child abuse cases certainly are among the most, if not the most difficult and time consuming cases that prosecutors encounter; most helpless victims out there which are children who don't have the ability to protect themselves.

Captain Wheeler's concern was not the cases that make it to the child advocacy center, and receive the team approach, those children are helped; but in the cases that build up to that level. What he called "smaller" cases.

Summary

Rep. Bill Lant, Subcommittee Chair

The Subcommittee on Child Abuse and Neglect was created to investigate the reporting system, emergency removal, and emergency placement of abused and neglected children. Its purpose was to determine if there were problems with the current system and propose solutions if problems were found.

Our first hearing was in February when we were given a PowerPoint presentation providing an overview of the Children's Division. We next visited the Hot Line Center where we saw and heard reports in real time and were able to determine how the program works. I found that the system was run extremely well and the quality of information gleaned from the callers was more than ample to provide the county officials with excellent information to conduct an investigation. We heard from the juvenile officers and the juvenile court judges, child advocacy centers, prosecutors, and sheriffs over the next several meetings and I saw a pattern begin to show up. With very few exceptions, each department admitted to some problems. The system itself appears to be broken at nearly every level. There is no set way of dealing with problems as each county has a different set of criteria and guidelines to follow. When visiting with the judges, we found that there is really no set standard given as to what constitutes abuse as each person views the rules differently. In one county a single bruise is reason for removal while in an adjacent county; there is an entirely different criteria. We determined that there is no correlation between rural areas or urban areas in incidences of abuse or neglect and that child sexual abuse occurs as often in affluent areas as it does in poverty stricken areas. The percentage of children subjected to all forms of abuse is horrifyingly high. Again, I emphasize that this is not an isolated problem; the entire state has the same problems. Although there were handouts of nearly fifty pages relegated to defining the role of DSS and CD, there was still no set standard of what the definition of "reasonable" is or who dictates what is reasonable. Most of the decisions are left up to the case worker, supervisor, or juvenile officer assigned to the case and many times the determining factors are the impressions of those present. It appears as if more training is required for case workers. Turnover rates approaching 50% ensure that the division is in a constant state of turmoil which tends to put more pressure on already overloaded case workers. After comparing starting salaries to that of school teachers and law enforcement, we determined that pay alone was not a factor in the high rate of turnover. We discussed the possibility of assigning new hires to sheriff's departments for a "break in" period to acclimate them to the types of situations they might find themselves in. There was also discussion of assigning supervisors to

spend time with each case worker each week. We could work with community colleges to provide "lab" courses where students are assigned to shadow case workers for a set number of hours. Having a choice of sixteen different college degrees may not be in the best interest of the system. By that I mean that we may need to target more social work and related fields and downplay law enforcement. There was also discussion on expanding the role of family counselors. Perhaps bringing them in at the start of the process and allowing their intervention before removing a child from a "dirty" home or one in which there was a question of whether abuse had occurred or just too severe an application of discipline. We found that many areas of the state have far too few foster homes available and there have been many complaints that foster parents have been treated poorly by the Division. We certainly need to take the allegations seriously as there has to be a safe place to put children when they must be removed from the home. More study is necessary to determine the current health of our foster care program. Numerous complaints have been received from parents who thought they were treated unfairly and in some cases illegally by case workers or juvenile officers. We should look at ways to ensure that the proper procedures are being implemented. One possibility would be to tape record the investigation from the start. I am somewhat troubled that alleged child abusers are treated as guilty until proven innocent. It appears that we might need to look at ways to better differentiate the roles of Children's Division and that of the Juvenile Office.

We are holding town hall type meetings in several different districts to determine what problems there may be with Children's Division. When the information is collated, it will be made available.

I think the next logical step for the subcommittee will be to try to find solutions to some of the problems we have discovered. Discussions with department directors concerning additional training and oversight should be a priority. The committee should also start looking into the problem of placement.